



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,286	03/26/1999	CARL STRATHMEYER	024/1	3294

7590 01/15/2003

KAPLAN AND GILMAN LLP
900 ROUTE 9 NORTH
WOODBIDGE, NJ 07095

EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

09/277,286

Applicant(s)

STRATHMEYER ET AL.

Examiner

Hector A. Agdeppa

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 3 – 10, and 21 - 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al.

Regarding claims 1, 4, and 6 - 8, Rogers et al. teaches a call management system having a call management computer 101 able to communicate with a plurality of telephony and data environments, wherein the environments include different PBX's, cable, RF or satellite communications, or "any other types of voice or data," having therein a "translation layer," wherein "translation layer" is read to be analogous to the plurality of data and telephony interfaces (Fig. 2, 203 – 206) taken as a whole, for translating to and from proprietary and non-standard protocols and a standard protocol upon which the invention of Rogers et al. operates on. Furthermore, Rogers et al. teaches either a computer workstation connected via a LAN/WAN/data/telephony

network or by some remote connection in connection with the call management computer for providing access to and control over applications able to communicate via the various telephony and data environments, wherein the application can automatically detect the type of incoming communication or can effect communications via a certain telephony or data environment. Furthermore, the workstation mentioned along with the caller notification/caller ID and various databases taught by Rogers et al. allow a user to receive caller information, records, or any other pertinent information. (Figs. 1, 26a – 9ab, Col. 2, line 4 – Col. 3, line 8, Col. 6, line 44 – Col. 18, line 2, Col. 22, lines 6 – 26)

As to claim 3, Rogers et al. teaches a GUI interface to allow a user to select and configure, via set-up menus, the selection of telephony environments. (Figs. 6a – 9ab)

As to claim 5, Rogers et al. teaches "screen pop" notifications, for example, when notifying a user of an incoming call. (See above references and also Col. 23, line 12 – Col. 28, line 67)

As to claims 9 and 10, Rogers et al. also teaches various databases such as the call management database 215, used for various applications such as phone directories, message storage and reply, etc. and also teaches routing various calls according to type or time, etc. (See above references and also Col. 22, lines 7 – 26 and Col. 29, line 57 – Col. 30, line 46)

As to claims 21 – 23 and 25, the existence of various PBX's and the PSTN is shown in Fig. 1 of Rogers et al. as are the LAN servers and the ability of the system of Rogers et al. to handle voice over IP communications, thereby inherently requiring packet telephony servers. See Col. 25, lines 8 – 10. Moreover, the claimed "data

Art Unit: 2642

network gatekeeper" is analogous to a gateway such as the FAX/data gateway taught by Rogers et al. in Col. 39, line 53. Moreover whenever a system deals with the Internet and/or data communications, it is inherent that there is some sort of gatekeeper or gateway for controlling address resolution when communications between different network elements, transmission and reception control, registration onto a certain network, etc.

As to claim 24, as seen Figs. 6a – 9b, a GUI or application programs run on the workstation/computer 114 which is separate from the LAN server 110 as seen in Fig. 1. Moreover, the computer communicates with the LAN server via a LAN and WAN 109 which is inherently using a standardized message set such as TCP/IP.

Response to Arguments

2. Applicant's arguments filed 11/05/02 have been fully considered but they are not persuasive.

As to Applicant's arguments regarding the use of different message sets and protocol translation, there is no possible way that a computer 114 which is a standard workstation or PC communicating via a LAN and WAN 109 using for example TCP/IP is using the same standardized message structure set, as defined for example, by TCP/IP or any other possible LAN/WAN network communications protocol, as a telecommunications protocol as used by the PSTN, PBX, Voice mail, fax servers/network elements. That is why as shown in Fig. 1, the CO trunks 102, the PBX trunks 105 are separate from the LAN/WAN networks 109. Of course, PCs and

workstations can understand and handle various types of calls and data, BUT the communication media must still be converted somehow, either at the PC or at the server or at some network element because a PC 114 simply does not recognize for example a telephone call without any type of protocol conversion. If that were the case, modems would have been an unnecessary invention because according to Applicant's arguments, a PC should have been able to recognize, on it's own, data signals coming from an analog telephony line as well as make for example, an outgoing telephony calls, which is simply not the case.

The system of Rogers et al. also teaches that emails can be converted from text to voice so that a user of the system may call into the system and not only retrieve notification of the email, but may hear it as well. See Col. 18, lines 50 – 52.

As to Applicant's arguments regarding Examiner's supposed misinterpretation of Figs. 6a – 6e, Examiner directs Applicant to Col. 12, lines 55 – 56 wherein not only may an incoming non-voice call be stored for later retrieval, but may immediately by transferred to an appropriate extension for video conferencing for example which indicates that the system of Rogers et al. does not only teach message or notification storage and retrieval.

Also see Col. 28, lines 35 – 37 wherein a form of data communications in the form of Flash notes allows a user to immediately "reply" with another Flash note again pointing to the system's ability to send outgoing/generate data communications. Also, in Col. 28, lines 48 – 50, Rogers et al. teach that the system launches and controls the "organization's email client program." While only the review and read functions are

specifically noted, Examiner would like Applicant to consider that there is no such thing as an email client program that does not allow for the sending or replying of emails.

Also, Examiner directs Applicant to Col. 40, line 51 – 54 wherein it is taught that a user of the system of Rogers et al. may "send" a FAX immediately again showing that Examiner has not simply misinterpreted the system of Rogers et al. as only teaching a message receipt and storage system.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 5,712,903 (Bartholomew et al.) teach a split intelligent peripheral for broadband and narrowband services. US Pat 6,094,479 (Lindeberg et al.) teach a computer telephony integration gateway. US Pat 6,366,578 (Johnson) teaches systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet buses and methods for implementing language capabilities using the same. US Pat 6,445,776 (Shank et al.) teach abstract interface for media and telephony services.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers

Art Unit: 2642

for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
January 9, 2003

Harry S. Hong

**HARRY S. HONG
PRIMARY EXAMINER**